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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT GEORGE BEANE,

Defendant.

No. 2:23-mj-0877-DJA

**ORDER to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (Second Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Mina Chang, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Brian Pugh, Assistant Federal Public Defender, counsel for Defendant Robert George Beane, that the preliminary hearing in the above-captioned case, previously scheduled for January 8, 2024, at 4:00 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 90 days from the date of the filing of this stipulation.

This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the
3 defendant’s consent and upon a showing of good cause—taking into account the public
4 interest in the prompt disposition of criminal cases—a magistrate judge may extend the time
5 limits [for preliminary hearings] one or more times.” Here, the parties desire to explore the
6 potential to resolve this matter before the defendant is formally charged by a criminal
7 indictment.

8 2. The government needs additional time to produce relevant discovery to
9 defense counsel. Defense counsel will need additional time to review the discovery, conduct
10 additional investigation, and confer with the defendant about how to proceed prior to a
11 preliminary hearing or indictment.

12 3. This continuance is not sought for the purposes of delay, but to allow the
13 defense an opportunity to examine the merits of this case before deciding whether to accept
14 the parties’ plea agreement.

15 4. Defendant is not in custody and does not object to the continuance.

16 5. The parties agree to the continuance.

17 6. Denial of this request could result in a miscarriage of justice.

18 7. The additional time requested by this stipulation is excludable in computing
19 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
20 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

8. This is the parties' second request for a continuance of the preliminary hearing.

DATED this 5th day of January, 2024.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

/s/ Brian Pugh
BRIAN PUGH, AFD
Assistant Federal Public Defender
Counsel for Defendant Beane

/s/ Mina Chang
MINA CHANG
Assistant United States Attorney
Counsel for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

ROBERT GEORGE BEANE,

Defendant.

No. 2:23-mj-0877-DJA

FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution. The government will be providing defense counsel with additional discovery, and defense counsel will need additional time to review the discovery and discuss the case with the defendant prior to a preliminary hearing or indictment. The Court finds good cause to continue the hearing to allow the parties to reach a possible pre-indictment resolution.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is not in custody and does not object to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow the defense an opportunity to examine the merits of this case before a potential resolution can be reached between the parties.

1 5. Denial of this request could result in a miscarriage of justice, and the ends of
2 justice served by granting this request outweigh the best interest of the public and the
3 defendant in a speedy trial.

4 6. The additional time requested by this stipulation is excludable in computing
5 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
6 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

7 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the
8 above-captioned matter currently scheduled for January 8, 2024 at 4:00 p.m. be vacated and
9 continued to April 8, 2024, at 4:00 p.m., Courtroom 3A.

10
11 5th
12 DATED this _____ day of January, 2024.



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14 HONORABLE DANIEL J. ALBREGTS
15 UNITED STATES MAGISTRATE JUDGE
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